

BASE FILE: CV-S-97-1383-HDM (LRL)

DATE FILED: 05/19/98

N/S: 830

DISTRICT: 0978

COUNTY: 32003

DATE CLSD.: / /

J: 3

ORG: 1

PD: 2

DD: 1

R23: 4

DMND:

MDL....

## I. CAUSE

28 U.S.C. 1331 & 1338 PATENT INFRINGEMENT  
FILING FEES PAID #3114

BASE FILE: CV-S-97-1383-HDM (LRL)

JURY DEMAND PLAINTIFF &amp; Defendant

Also Consolidated w/ CV-S-98-738-HDM (RLH)

Counterclaim fld 6/9/98 #16

COUNTERCLAIM FILED 6/9/98 (#19)

## II. UPPER

## ATTORNEY

ACRES GAMING, INC.

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## III. LOWER

## ATTORNEY

MIKOHN GAMING CORPORATION ✓ Defendant  
NEW YORK NEW YORK HOTEL, LLC ✓ Defendant  
CASINO DATA SYSTEMS, INC. ✓ Defendant  
SUNSET STATION ✓ Defendant

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for D Mikohn Gaming Corp. &  
NEW YORK NEW YORK HOTEL

\*\* Attys Dong James Chung (VP #23);  
Brent Rabowsky (VP #24) &  
George M. Borkowski (VP #25)

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CASINO DATA SYSTEMS &  
SUNSET STATION HOTEL & CASINO

Defendants/Counterclaims

vs.

ACRES GAMING CORPORATION

Plaintiff/Counterdefendant

COUNTERCLAIM FD 6/9/98 #16

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MIKOHN GAMING CORPORATION,

Counterclaimant,

vs.

ACRES GAMING CORPORATION,

Counterdefendant.

COUNTERCLAIM FILED 6/9/98 (#19)

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CIVIL DOCKET CONTINUATION SHEET

ETJ  
HLM

PLAINTIFF		DEFENDANT	CV-S-98-794- <del>DM</del> (LRL) DOCKET NO. _____ PAGE <u>2</u> OF _____ PAGES
ACRES GAMING CORP.,		MIKOHN GAMING CORP., et al,	

DATE	NR.	PROCEEDINGS
5/19/98	1	COMPLAINT obo P. w/jury demand (AT) bh
--	--	SUMMONS issd to P (4) (AT) bh
--	--	JS-5 (AT) bh
--	--	FILING FEES PAID. bh
5/21/98	2	MOTION for prelim inj obo P. (AT) (m) bh <b>FLD SEPERTLY DUE TO SIZE</b> (DISPO: <del>#122</del> <u>14</u> <u>50</u> )
--	3	MOTION for expedited disc & expedited entry of a protectv ord obo P. (AT) bh (DISPO: <del>GRANTED</del> <u>14</u> <u>50</u> ) <i>oppo #10/oppo #13</i>
5/22/98	4	AO 120 mld cpy of cpmlt to the Commissioner of Patents & Trademarks (AT) bh
--	5	LETTER to Ps out/state cnsl re VP & Design due 7/5/98. cps dist (AT) bh
5-22-98	-	<i>Sub #2 + 3 to PMP rd</i>
5/26/98	-	<i>Sub to #3 - o/m</i>
5/28/98	6	SUMMONS w/retn serv; D Station Casinos servd 5/20/98 (AT) sml
--	7	SUMMONS w/retn serv; D Casino Data Systems servd 5/20/98 (AT) sml
--	8	SUMMONS w/retn serv; D Mikohn Gaming servd 5/20/98 (AT) sml
--	9	MOTION for Severence obo Ds Casino Data Systems & Sunset Station (m)(AT) sml (DISPO: <i>Response # 34 - Reply # 39</i> <i>Sub to #11/63</i> )
--	10	OPPOSITION to ps Mtn for Expedited Disc, etc. (#3) obo Ds Casino Data Systems & Sunset Station (m)(AT) sml
--	11	LETTER (cpy) to Ds' out/st cnsls re VP/lcl cnsl forms due by 7/13/98 (AT) Cps dis
--	12	MOTION to Transfer/Consolidate Cases (w/CV-S-97-1383-HDM/LRL & CV-S-98-738-HDM/RL obo D Mikohn Gaming (m)(AT) sml <i>MOOT PER ORDER # 49</i> (DISPO: <i>oppo #33 - Reply # 37</i> )
--	13	MOTION for Extnsn/Time to Oppose Ps Mtn for Prelim Inj (#2) & (DISPO: <i>GRANTED</i> <u>#14</u> ) <b>OPPOSITION to Ps Mtn to Expedite Disc &amp; for Prot Ord (#3) obo D Mikohn Gaming(m)</b> <b>*** FILED SEPARATELY DUE TO SIZE ***</b> <i>Sub to #3, 10, 13 - o/m</i>
6/2/98	14	MINUTES OF COURT (LRL)(98-1-40/98-1-41) of hearing @ reqst of D cnsl to address disc issues. ORD D Mikohn's Mtn to Extnd Time to Respd to Ps Mtn for Prelim Injnctn (contained w/in Oppo #13) GRANTED. D Mikohn's resps to Ps Mtn for Prelim Injnctn (#2) shall be filed n/1/t 7/17/98. FUR ORD cnsl shall meet & cnfer to fashn prot ord & file a documt to Ct that defines differences cnsl have in fashning prot ord n/1/t 6/11/98. Ct advises cnsl LRL will be unavailabl re dispu until after 6/15/98 but PMP may be availabl. EOD 6/5/98 (AT) Cps dist. sml

CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF  ACRES GAMING CORPORATION	DEFENDANT  MIKOHN GAMING CORP., ETC.	CV-S-98-794- <del>PMP</del> (LRL) DOCKET NO. _____ PAGE <u>3</u> OF _____ PAGES
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DATE	NR.	PROCEEDINGS
6/5/98	15	<b>SUMMONS</b> w/retn serv; D NY NY Hotel & Casino servd 5/22/98 (AT) sml
6/9/98	16	<b>ANSWER</b> to cmplt & <b>COUNTERCLAIMS</b> w/Jury Trial Demand obo Ds. Casino Data Systems & Sunset Station Hotel & Casino (m) (AT) efm
--	17	<b>CERTIFICATE</b> as to int ptys LR 10-6 obo Def. Mikohn Gaming Corp. & New York New York Hotel & Casino, LLC. (m) cpy to PMP/LRL
6/9/98	18	<b>ANSWER</b> to cmplt obo D New York New York Hotel & Casino. (m) (AT) kly
--	19	<b>ANSWER</b> to Cmplt & <b>COUNTERCLAIMS</b> obo D Mikohn Gaming (m) (AT) sml
6/11/98	20	<b>VERIFIED PETITION (PMP)</b> for Steven E. Shapiro as cnsl for D Mikohn Gaming (AT) Cps dist. sml
--	21	<b>VERIFIED PETITION (PMP)</b> for Victor J. Gallo as cnsl for D Casino Data Systems (AT) Cps dist. sml
--	22	<b>VERIFIED PETITION (PMP)</b> for Bernhard Kreten as cnsl for D Casino Data Systems (AT) Cps dist. sml
--	23	<b>VERIFIED PETITION (PMP)</b> for Dong James Chung as cnsl for D Mikohn Gaming Corp (AT) Cps dist. sml
--	24	<b>VERIFIED PETITION (PMP)</b> for Brent Rabowsky as cnsl for D Mikohn Gaming Corp (AT) Cps dist. sml
--	25	<b>VERIFIED PETITION (PMP)</b> for George M. Borkowski as cnsl for D Mikohn Gaming Corp (AT) Cps dist. sml
6/15/98	26	<b>DESIGNATION/RESIDENT ATTORNEY (LSW/SML)</b> obo Steven E. Shapiro, who designts Steve Morris as lcl cnsl for D Mikohn Gaming (AT) Cps dist. sml
--	27	<b>DESIGNATION/RESIDENT ATTORNEY (LSW/SML)</b> for Victor J. Gallow, who designts Bruce M. Benson as lcl cnsl for D Casino Data Systems & Sunset Station Hotel (AT) Cps dist.
--	28	<b>DESIGNATION/RESIDENT ATTORNEY (LSW/SML)</b> for Bernhard Kreten, who designts Bruce W. Benson as lcl cnsl for D Casino Data Systems & Sunset Station (AT) Cps dist. sml
--	29	<b>DESIGNATION/RESIDENT ATTORNEY (LSW/SML)</b> for Dong James Chung, who designts Steve Morris as lcl cnsl for D Mikohn Gaming (AT) Cps dist. sml
--	30	<b>DESIGNATION/RESIDENT ATTORNEY (LSW/SML)</b> for Brent Rabowsky, who designts Steve Morris as lcl cnsl for D Mikohn Gaming (AT) Cps dist. sml
--	31	<b>DESIGNATION/RESIDENT ATTORNEY (LSW/SML)</b> for George M. Borkowski, who designts Steve Morris as lcl cnsl for D Mikohn Gaming (AT) Cps dist. sml

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CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF  ACRES GAMING CORPORATION	DEFENDANT  MIKOHN GAMING CORP., ETC.	CV-S-98-794- <del>POP</del> (LRL) DOCKET NO. _____ PAGE <u>4</u> OF _____ PAGES
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DATE	NR.	PROCEEDINGS
6/12/98	32	ORDER (PMP) ORD all Ds herein have to & inclding 7/17/98 to file respnses to Ps Mtn for Prelim injnctn, & P shall have until 7/24/98 to file reply. FUR ORD Ps Mtn for Prelim Injnctn shall be placed on clndr for hearing in Ctrm #2 on Fri., 7/31/98, @ 2:30 pm (AT) Cps dist. sml
6/12/98	33	OPPOSITION to Mtn to Transfer #12 obo P. (m) (AT) kly
6/15/98	34	RESPONSE to D Casino Data/Sunset Statn's Mtn for Severance (#9) obo P (p) (AT) sml
<i>6/18/98</i>		<i>Sub to LRL # 3,13,14-om</i>
<i>6/19/98</i>		<i>Note to LRL - om</i>
6/18/98	35	CERTIFICATE reqd by LR 10-6 obo P (p) (no other known ptys) (AT) sml
6/19/98	36	CERTIFICATE/SERVICE of #20,23,24,25,26,29, 30, & 31 obo D Mikohn Gaming via mail.
6/23/98	37	REPLY to D Mikohn Gaming's Mtn to Transfer & Consolidate Related Cases (#12)(m)(A)
6/26/98	38	PROOF/SERVICE of #20 & #21 via mail obo Ds Casino Data & Sunset Station. sml
--	39	REPLY to Ds Casino Data & Sunset Station's Mtn for Severance (#9)(m)(AT) sml
<i>6/29/98</i>		<i>Sub to LRL #10-om</i>
7/1/98	40	REPLY to 1st Cntrclaim (#16) of Ds Casino Data & Sunset Station obo P (m) (AT) sml
--	41	REPLY to 1st Cntrclaim of D Mikohn Gaming (#19) obo P (m) (AT) sml
--	42	MOTION to Dismiss & to Strike Affirmative Defenses (4th defense) of D NY,NY Hotel (refers to Answ #18) obo P (m) (AT) sml (DISPO: <i>Dismissed as moot per #163</i> )
--	43	MOTION to Dismiss & to Strike (3rd) Affirmative Defense (w/in Answ #16) of D Casino Data & Sunset Station obo P (m) (AT) sml (DISPO: <i>Dismissed as moot per #163</i> )
--	44	MOTION to Strike (4th) Affirmative Defense of D Mikohn Gaming Corp (re Answ #19) obo P (m) (AT) sml (DISPO: <i>Dismissed in part &amp; reserved for ruling on part #16</i> )
7/2/98	45	ORDER (LRL) ORD Ps Mtn for Expedited Disc & Expedited Entry/Prot Ord (#3) GRANTED TO FOLLOWING EXTNT: ptys shall, n/1/t 7/8/98, lodge w/Ct either (a stip'd prot ord) or their respective proposals for prot ord. FUR ORD in all other respects, Mtn #3 DENIED. EOD 7/6/98 (AT) Cps dist. sml
7/8/98	46	NOTICE/FILING Prop Prot Order obo D Mikohn Gaming (re Mikohn reqsts their draft be entered as the prot order, etc) (m) (AT) sml
--	47	PROPOSED PROTECTIVE ORDER submission obo P (p) (AT) sml
<i>7/9/98</i>		<i>Sub to LRL # 47-om X</i>

CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF ] ACRES GAMING CORPORATION	DEFENDANT MIKOHN GAMING CORP, ETC.	CV-S-98-794- <del>741</del> (LRL) DOCKET NO. _____ PAGE <u>5</u> OF _____ PAGES
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DATE	NR.	PROCEEDINGS
7/8/98	48	<b>MOTION</b> for Lv to Substit Cnsl & a (DISPO: <i>granted per #153</i> ) <b>MOTION</b> for Extnsn/Time re Prot Ord obo Ds Casino Data & Sunset Station (m)(AT) sml <i>#50 Dispo</i>
7/9/98	49	<b>ORDER (HDM)</b> ORD D Mikohn's Mtn to Transfer/Cnsltd this case (CV-S-98-738-HDM-RLH; orig ord filed in that case; cpy in this case) wCV-S-98-794-PMP (LRL) & with CV-S-97-1383-HDM (LRL) GRANTED. Hereinafter, pldings & mtns shall bear only title & designtn by # of CV-S-97-1383-HDM (LRL) w/the words "Base File" written below the case # & shall be filed only in the base file. (AT) Cps dist. sml
7/13/98	50	<b>MINUTES OF COURT (LRL)(98-1-45)</b> of 7/10/98 hearing re Mtn #48. Ct instructs pty to redraft the Prot Ored (see #47) & submt to the Ct by Fri., 7/17/98. ORD <b>Prelim Injunctn</b> hearing prev set for Fri., 7/31/98 before PMP VACATED & resched to Fri., 10.2.98, @ 2:00 pm. FUR ORD oppo to Mtn for Prelim Injunctn shall be filed by 9/18/98, w/replies to be filed by 9/25/98. ORD respns to Mtn to Strike (#44) extnded to 8/14/98, & reply shall be due by 8/24/98 (AT) Cps dist. sml
7/14/98	51	<b>ORDER (PMP)</b> ORD this Ct's hearing on Ps Mtn for Prelim Injunctn currently sched w/PMP on 10/2/98, @ 2:00 pm, VACATED (due to case reassignmt, etc) (AT) Cps dist. sml
7/19/98	52	<b>MINUTE ORDER (HDM/PV)</b> ORD (to clarify recrd in this matter), Clk directed to change this case file to reflect its reassignmt to HDM. Case # henceforth shall be referred to as CV-S-98-794-HDM (LRL), & any additnl pldings are to be placed in base file of CV-S-97-1383-HDM (LRL). Clk also directed to forthwith submt any mtns that were heretofore submtd to PMP in CV-S-98-794-HDM (LRL) to HDM for cnsdrtn. EOD 7/17/98 (AT) Cps dist. sml <i>7/17/98</i> <i>sub to HDM #49, 34, 36, 48, R</i>
10/30/98	53	<b>ALL DOCKETING TO BE DONE IN THE BASE FILE CV-S-97-1383-HDM(LRL) (COPY)</b> <b>AMENDED MINUTES OF PROCEEDINGS DATED 7/10/98(LRL)</b> ORD that the preliminary injunctn hrng prev set for 7/31/98 bef PMP is vacated & resched for 10/2/98 @ 2pm. FUR ORD that the oppo to the mtn for preliminary injunct shall be fld by 9/18/98 w/replies to be fld by 9/25/98. FUR ORD taht the resp to the mtn to strike shall be ext to 8/14/98, & the reply shall be due by 8/24/98. FINALLY IT IS ORD that the Ds Casino & Sunset Stations' mtn for lv to subst cnsl (#48) is granted. (AT) Cps dist .jr (Crt/Tape #98-1-45)
2/14/00	54	<i>(copy)</i> <b>MINUTE ORDER(HDM)</b> ORD that the Base File having been reassigned to the Honorable Evan J. Wallach, US Court of Internatl Trade sitting by designation for all fur proceedings. CV-S-98-794-EJW(LRL) and CV-S-98-738-EJW(LRL). The clk of crt is directed to change the files & dockets to reflect this reassignmnt. (AT) Cps dist. jr
<i>All Further Docketing in NED</i>		